

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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MARTIN GROSZ and LILIAN GROSZ,  
Plaintiffs,

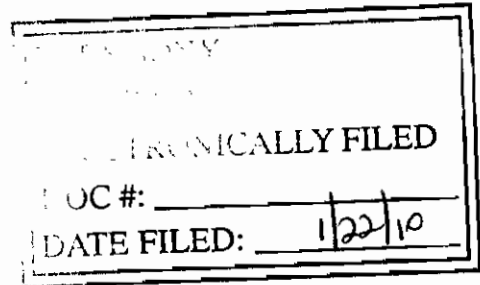
09 Civ. 3706 (CM) (THK)

-against-

THE MUSEUM OF MODERN ART,  
Defendant,

HERRMANN-NEISSE WITH COGNAC,  
SELF-PORTRAIT WITH MODEL  
and REPUBLICAN AUTOMATONS,  
Three Paintings by Grosz,

Defendants-in-rem.



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ORDER

The Museum of Modern Art ("MoMA") is granted 10 days to respond in 15 pages or less to the following two issues related to the motions filed by plaintiffs between January 19 and 21, 2010 (docket nos. 61, 64 and 66):

1. Plaintiff's motion to supplement the record (docket no. 61, filed on January 19, 2010), but only to the extent that it involves documents that bear on the limited question of the statute of limitations (which is to say, the question of when MoMA could have been said to have refused the November 2003 demand). No other documents are relevant.
2. The suggestion that the documents on which the Court relied in its original decision were not attached or referred to in the complaint and so could not have been considered on a motion to dismiss, including (but not limited to) the January 18, 2006 letter from Glenn Lowry to Ralph Jentsch, attached as Exhibit 1 to the Declaration of Raymond J. Dowd, which was submitted to the Court on June 25, 2009.

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U.S.D.J.

Dated: January 22, 2010

BY ECF TO ALL COUNSEL